Los Angeles County Division
League of California Cities®

May 30, 2019

The Honorable David Chiu
California State Assembly, District 17
California State Capitol, Room 4112
Sacramento, CA 95814

RE: AB 516 (Chiu) Authority to Remove Vehicles.
Notice of Opposition

Dear Assembly Member Chiu,

The Los Angeles County Division of the League of California Cities (Division), representing 86 cities in the county, must oppose your AB 516, a measure that would eliminate the ability for cities to adequately enforce state and local vehicle violations.

While we understand your intent to alleviate cost burdens for those experiencing homelessness or other financial hardships, AB 516 is an extreme approach and does not distinguish between low-income vehicle owners and scofflaws. AB 516 would eliminate essential enforcement tools for cities to address motorists who disregard basic laws designed to benefit entire communities. Specifically, the measure would eliminate the ability for cities to:

- "Immobilize," or place a boot on a vehicle, for motorists who have five or more unpaid parking tickets.
- Remove vehicles with expired registration that are operating illegally; and
- Remove vehicles in violation of parking time restrictions.

The immobilization of a vehicle is only used when someone has five or more unpaid parking tickets and has ignored the payment plans offered to them by the city, as established by recently chaptered bills AB 503 (2017) and AB 2544 (2018). These monthly payment plans can be as low as $5-$25 for an indigent person. This is a fair process that allows low-income individuals to pay their outstanding parking citations without impacting their ability to maintain their livelihood.

There are a host of reasons beyond the collection of unpaid parking tickets for one's inability to register a vehicle. Reasons include, but are not limited to, one's failure to insure a vehicle, a failed smog check and vehicle theft. The authority to remove vehicles that are operating unlawfully for failing to register within six months is an essential enforcement tool for violation of state and local laws aimed at requiring insurance, keeping our air clean, our storm drains free of pollution, and our streets safe. Motorists that allow their vehicle registration to expire for more than 6 months are not only in gross violation of state law, but are rejecting their basic responsibility to pay for the following programs and services (which are collected with vehicle registration):

- Use Taxes (especially for used or out-of-state vehicles where this may not be paid upfront)
- The California Highway Patrol
- The California Department of Motor Vehicles

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- The State Highway System (including SB 1 basic maintenance and operation funding)
- The California Air Resources Board
- Local streets and roads (including SB 1 basic operation and maintenance funding)
- The State General Fund
- Service Authority for Freeway Emergencies fees (for emergency call boxes)
- Air quality fees set be air quality management districts to reduce air pollution
- The Vehicle License Fee
- Toll violations
- Other State agencies[1]

While the DMV may have the authority to take other extraordinary measures, such as garnishing wages, garnishment does not solve the problem of an unregistered vehicle operating unlawfully on the public highway. The threat of impoundment and/or getting one's vehicle back from impoundment is often the strongest compliance tool proportional with these types of violations. These same tools are necessary to enforce local vehicle laws aimed at protecting the public right of way.

72-hour parking time restrictions are a key element in city efforts to protect the public right of way. Protection of the public right of way allows for residents to access the various facets of a city, including residential neighborhoods, government services, local businesses, and city attractions. Ensuring residents and visitors have access to their own homes or those of their relatives, city hall, parks, libraries, retail, restaurants, and cultural epicenters benefit from the city adequately enforcing these basic restrictions. Residential neighborhoods and major business corridors already struggle with limited parking spaces and will continue to struggle as communities densify. AB 516 will only exacerbate this problem by allowing anyone, regardless of income, to store their vehicles on public streets instead of their private property.

It is key to note that the 72-hour parking enforcement notice is usually triggered by a complaint from a local resident or business when cars appear abandoned or haven't moved for days. By the time a city responds, more than 72 hours have typically elapsed, when a notice is thereby issued for the vehicle to move. Compliance costs nothing and can simply involve moving a vehicle to a more acceptable location to avoid a tow. By the time a tow is actually enforced, a vehicle has likely remained unmoved for days and possibly weeks.

Residents, businesses, and visitors have developed an expectation that safe and reliable parking will be available to access the various facets of a city. Communities expect their cities to have the tools to respond to issues of blight, vehicles stored on public streets, and other code enforcement issues. However, AB 516 would limit these tools and be particularly punishing on low-income communities where issues of blight such as illegal dumping and abandoned vehicles can be more acute. While AB 516 may provide some financial relief to an individual who chronically ignores parking and/or commits other vehicle violations, it would come at a cost to the greater good and character of all communities. Getting a parking ticket or having a vehicle impounded can be a frustrating experience. However, it can be equally frustrating for residents, businesses, and visitors not to have safe and reliable streets and/or parking to access these neighborhoods, local businesses, attractions, and government services.

The approach in AB 516 rewards people who fail to pay their parking tickets, register their vehicles, or adhere to reasonable policies aimed at preventing abandonment and/or street storage of vehicles, regardless of income. Eliminating proportional consequences for these sorts of vehicle violations will exacerbate parking scarcity by creating an environment vulnerable for exploitation. This bill, coupled with efforts by the state aimed at eliminating local parking minimums, will create quality of life concerns across income demographics in California.

[1] https://www.dmv.ca.gov/portal/dmv/detail/pubs/brochures/fast_facts/ffvr34

Finally, the proponents of AB 516 reach broad conclusions that misrepresent the law to justify the merits of this bill. The courts have consistently upheld the enforcement actions this bill seeks to eliminate since they help prevent jeopardizing public safety, promote efficient movement of vehicular traffic, are in the interests of public welfare, and prevent the illegal operation of vehicles.

For these reasons, the Los Angeles County Division must oppose AB 516. If you have any questions, please contact Kristine Guerrero at kguerrero@cacities.org.

Sincerely,

Juan Garza
President
Los Angeles County Division
League of California Cities®

cc:

Los Angeles County Legislative Delegation
Senate Transportation Committee
Senate Public Safety Committee